

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SHEILA ALVAREZ,

Plaintiff,

vs.

DEPARTMENT OF HEALTH AND HUMAN
SERVICES,

Defendant.

8:22CV353

MEMORANDUM AND ORDER

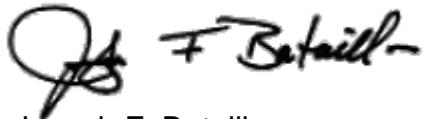
This matter is before the Court on Plaintiff Sheila Alvarez's Motion for Leave to Proceed in Forma Pauperis ("IFP"). [Filing No. 2](#). While Plaintiff used the appropriate Form AO 240 Application to Proceed in District Court Without Prepaying Fees or Costs, it appears portions of the form have been inadvertently omitted, specifically that portion of the form in which Plaintiff identifies the amount of money she has in cash or in a checking or savings account. See [Id. at 2](#). Because the Court cannot determine the extent of Plaintiff's available assets, Plaintiff's IFP motion does not comply with the terms of [28 U.S.C. § 1915](#), the statute authorizing proceedings in forma pauperis. See [28 U.S.C. § 1915\(a\)\(1\)](#) (requiring the plaintiff to submit "an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor"). Plaintiff has the choice of either submitting the \$402.00 filing and administrative fees to the Clerk's office or submitting a request to proceed in forma pauperis that complies with [28 U.S.C. § 1915](#). Failure to take either action within 30 days will result in the Court dismissing this case without further notice to Plaintiff.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Proceed IFP, [Filing No. 2](#), is denied without prejudice to reassertion in a motion to proceed in forma pauperis that complies with [28 U.S.C. § 1915](#).
2. Plaintiff is directed to submit the \$402.00 fees to the Clerk's office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.
3. The Clerk of the Court is directed to send to Plaintiff the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").
4. The Clerk of the Court is directed to set a pro se case management deadline in this matter with the following text: **November 17, 2022**: Check for MIFP or payment.

Dated this 18th day of October, 2022.

BY THE COURT:



Joseph F. Bataillon
Senior United States District Judge